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09/409,128	09/30/1999	EDWARD O. CLAPPER	INTL-0274-US	4951

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 08/23/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/409,128

Applicant(s)

CLAPPER, EDWARD O.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Remark***

1. Claims 9 and 18 were canceled in the amendment dated 12/1/03; and claims 26-30 were canceled in the pre-amendment dated 03/10/04.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-8, 10-17, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Astiz et al.(U.S. Patent 5,918,012).

Regarding claims 1 and 11, Astiz discloses “a method of comprising: selecting other information by accessing a particular location on a frame of video being played back; automatically paused the video playback when the other information is accessed by selecting a location on the frame; and providing the other information while said video playback is paused”, i.e., Astiz discloses a system and its corresponding technique for a user to select other information, for instance, a dynamic hyperlink, by accessing a particular location on a frame of video being played back (col. 4/lines 48-59), for instance, using a pointing device as a mouse, a touch screen, a remote control, a light pen etc. (col. 3/lines 19-20) to select a location on the

display screen or the location of the frame identified by x and y coordinate positions (col. 4/line 60-col. 5/line 7), and particularly, the pausing as the user selects the other information is performed automatically as Astiz shows that the user can set up the pausing is automatically done after first click on the BVT options (see Fig. 9, and col. 12/lines 43-65); and the other information or the different information than the video being played back is displaying to the user/viewer on a browser (see Fig. 7 for the process, col. 7/lines 1-18 and col. 10/line 66 to col. 11/line 46).

Regarding claims 2, 12 and 22, Astiz further discloses the step of “defining a display grid system and specifying at least one location in said grid system using coordinates” (Fig. 7, and col. 11/lines 1-25 for step 73, coordinates are used for obtaining at least one location in the grid system).

Regarding claims 3, 13 and 23, in view of claim 1 above, Astiz further discloses “developing a frame identifier using a time code”, i.e., time dimensions regarding as time code for associated with X and Y coordinates of a frame (or image) at that particular point in time (col. 7/lines 1-44 for this concern).

As for claims 4 and 14, in further view of claim 1 above, Astiz further discloses “linking to other information without encoding a hyperlink into the video”, i.e., Astiz’s technique allows the viewer to link from some subject matter on a viewer screen to other data from another URL, namely, from a screen to a screen, based on x and y coordinates without encoding a hyperlink into the video information (Fig. 7, col. 4/lines 48-59, and col. 6/line 56 to col. 7/line 36).

As for claims 5, 15 and 25, in view of claim 1 above, the step of “including linking to other information on the same medium that stores said video” is disclosed by Astiz as Astiz

discloses that information data and other related information data is on the same medium within the system (Fig. 3 shows a same medium system, such as Internet server 33 and map 35 for storing the video information and a map file of video data file, col. 8/lines 6-59).

Regarding claims 6, 16 and 24, in further view of claim 1 above, Astiz further includes “linking video information on one processor-based system to other information on a separate processor-based system”, i.e., separate processor-based systems are suggested (col. 5/lines 50-67).

Regarding claims 7, 17 and 21, Astiz further discloses the steps of “wherein accessing said other information includes using a pointing device to select a location on a frame” (col. 3/lines 19-20 & col. 6/line 64 to col. 7/line 18 for using a pointing device to select a location on a frame).

Regarding claim 8, Astiz further discloses “wherein using a pointing device includes using a remote control unit”, i.e., a pointing device as a remote control unit is addresses (col. 3/lines 19-20).

(Claims 9, and 18 were canceled).

Regarding claims 10 and 19, Astiz inherently suggests the steps of “automatically resuming the playback of said video when the other information is no longer being accessed”, i.e., the user can set up options such as pause or continue after a click and different looping for the video program to continue (col. 12/lines 39-65) which suggests that when the other information, for instance, the hyperlink information or hot spots, is no longer being accessed, the playback of the video would resume and continue depending on the user’s pre-setting at the options.

As for claim 20, Astiz further discloses “a processor-based system comprising a processor; a storage coupled to said processor, storing software to select other information by accessing a particular location on a frame of video being played back, automatically pause the video playback when the other information is accessed by selecting a location on the frame, and provide the other information while said video playback is paused” (Fig. 3, with a data processor 30 and a storage as map 35 for storing software or file to link to additional information, see col. 8/lines 6-59; and see claim 1 above for the automatic pause concerned).

#### *Response to Arguments*

4. Applicant's arguments filed on 6/03/04 have been fully considered but they are not persuasive.

The Applicant argues and incorrectly points out on the Examiner's ground of rejection that the Astiz reference does not show or teach the step of “automatically pausing the video playback when the other information is accessed by selecting a location on the frame” by making a reference to paper no. 18. In that final office action, the claim languages were different, while claim 1 at that time calls for “a video stream” together with other features as identifiers and then “pausing the video stream when accessing said other video information.” The Examiner carefully brings in the teaching of Youden at that earlier time because the video stream could be arguable for a “real-time streaming video”, but in fact the Examiner did state that Astiz discloses to have the pause function (please refer back to the Final Office Action, paper no. 18).

Now claims 1, 11, and 20 broadly call for a video playback system that, for instance, in video recording application, one is pausing one video program while accessing the other

information, and this technique is widely used and well known in the art for many years ago. In addition, Figure 5 and page 14, column 1-11 of the present application describes the process of recording media and pause function as noted, with the user selection of whether to pause the video playback or not (Fig. 5/step 58); and Astiz does teach the same technique as the user would like to access other related information besides the current viewing video program (col. 7/lines 1-18). As shown in the present specifications, the pause function is not activated “automatically” without the user selection of another program either by a remote, a click, an input or a user’s command by any means.

Understanding this matter as noted above, the Astiz reference clearly reads on the claim languages of claims 1, 11 and 20 as broadly presented after an RCE request therein. The Examiner does not contradict herself on the rejection based on the reasons as noted above. Figure 9 of Astiz allows the user to pause the video program at certain preset user interactions, i.e., after 1 click or 2 clicks and so on; however, the main and important concept is that the system allows the user to pause the program as soon as the user selects or accesses to other information by selecting a location on the frame as noted in column 7, lines 1-18 (as called for in claim 1).

Therefore, the Examiner disagrees with the Applicant’s arguments and stands with the disclosure of Astiz with the rejection as previously disclosed in the non-final office action and discussed with support statements in this Final Office Action.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*



7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in dark ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

**KRISTA BUI  
PATENT EXAMINER**

Krista Bui  
Art Unit 2611  
August 12, 2004